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EXAMINER	
IRSHADULLAH, M	

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/748,837	CURTIS ET AL.	
	Examiner	Art Unit	
	M. Irshadullah	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-11,13-20,22 and 23* is/are rejected.

7)☒ Claim(s) *5,12 and 21* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to the amendment filed September 28, 2004.

Summary Of Instant Office Action

2. Applicant's arguments regarding claims 1-23 rejection under 35 U.S.C. 103, Office Action mailed June 29, 2004 have been fully considered and are responded below.

3. Amendments to claims 1, 4, 5, 11, 12, 16, 20 and 21 have been entered.

Claim Rejections - 35 USC § 112

3a. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3b. Claims 5, 12 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the claims 5, 12 and 21, it is unclear/indefinite as to whether the recited optimizing algorithm is merely "adapted to" determining the origin of supply of the sub-model components, or it is "performing" the determination. Examiner proposes to write the claim as under:

The system of claim 1, wherein the design management component further comprising an optimizing algorithm, said algorithm determining the origin of supply of the sub-model components.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-4, 6-11, 13-20, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (SP-to-SP Service Ordering Specification and its implementation, 1998) in view of Safadi (US Patent 5,847,751).

Chen et al teach:

Claim 1. A system for supporting the management of an integrated communications provider (ICP) (Abstract, lines 1-3, 14-18 recited with page 82, lines 7-9 and Figs. 1, 2, 6. Reference's MSP is the claimed ICP), said system comprising:

a) a computer processor means for inputting and processing information (Fig. 7, described page 87, lines 15-30. From the citations, Applicant will appreciably realize that the reference system were employing a computer which inherently would have a processor controlling or supporting the functions of inputting, displaying, computation or processing etc., necessary to the management of an ICP, Chen et al's MSP {ICP} would use aforementioned functions for managing the provision of TMN services);

b) wherein the computer processor further comprises a graphical user interface for displaying information or data entry prompting requests to a human operator (Fig. 7 {GUI}, page 87, line 29, page 88, lines 10-11, reference system users including a human operator would use cited GUI claimed limitations);

c) a pre-order management component **(Page 82, lines 19-22 and page 83, lines 10-11 read with lines 18-20, wherein cited "pre-ordering phase providing operations for an MSP", "making pre-order requests for services", "SP class supporting making pre-order requests" and "issuing pre-order requests" indicating reference's teaching availability of a program module {component} for "handling pre-ordering or pre-order management")** comprising instructions for retrieving customer service records from telecommunication service providers, **(aforementioned "program" would have "action statements or codes or instructions for obtaining {retrieving} customer records: Fig. 6 {customer record} and page 85, Fig. A {Get customer profile, arrow directing from left MSP to right SSP} and {Customer profile} being retrieved using "Get" command from SP or SSP {telco. service provider, page 82, line 15} as indicated by arrow pointing from right to left")** and parsing said customer service records into reports containing equivalent ICP services **(page 88, lines 15-17 read with page 80, lines 1-3 {bill provisioning} and page 83, line 17 {Sp creating account for billing purposes}, wherein "delegating received massages and data to sub-processes" inferring the reference system's provisioning of "decomposing or breaking down or parsing" function or functionality, which function a user would employ for decomposing or**

breaking down or parsing above discussed customer records or customer service records into various requisite portions, the user employing reference's "bill" creating function would prepare billing statements or reports comprising services available from the MSP {ICP} or similar services provided by any other SP or equivalent ICP services. Furthermore, a bill or bill statement itself is a report comprising items decomposed or broken down or parsed from the customer profile or record information, such as name, address and the like, and also services' usage transaction records, and a user using said billing function would craft the claimed report or bill or bill statement);

e) a service management component for creating and tracking work plans (Fig. 3 (RFS or request for service, Service offer, Service order, Service), page 83, lines 1-23 and page 86, lines 8-10, wherein the citations indicating the presence or availability of claimed "service controlling or management program module or component", and a program comprises action statements or codes or instructions including the statements or codes or instructions for creating, page 86, line 3: "creation/deletion" of the objects {indicating references teaching a "creating" function} and tracking work plans, page 87, line 3: Workflow showing "monitoring or tracking" stages, and page 81, line 14: "Plan" for the service indicating reference's teaching "service or work plannings or plans, and a user would use the "creating", "monitoring or tracking" functions for cited "service or work plans");

f) wherein said work plans (as discussed above) comprise a work activity event for performing installation or troubleshooting **(page 80, lines 1-3 and page 87, line 9-**

10 wherein "service management", "fault management" and "leased lines" indicate reference's teaching "operations or work activities" relative to "service installation, leasing lines, fault or trouble determining etc.) of each sub-model component of a telecommunications service provided by the ICP to a customer (Fig. 2, page 82, lines 7-14, wherein "Fig. 2" representing a "model" depicting relationship between customer ordering service(s) from SPA, SPA requiring {some of the services it does not have} services from SPB, SPC, and SPC requiring services {some of which SPC does not have} from SPD and SPE", and boxes SPB, SPC, SPD and SPE {being graphical representation of the operations performed by SPB, SPC, SPD and SPE} representing sub-models of the forementioned model);

g) a circuit management component comprising instructions for creating a hierarchal list comprising ICP on-net circuit assignments and off-net circuit assignments (Page 87, lines 9-10, page 80, lines 1-3, page 87, line 13 (software) and Fig. 7 {Database}, wherein cited "set of basic processes and software" encompassing "program(s) module(s) or components" requisite for "handling physically connecting of or providing circuits for {circuit management} services, such as voice, data, web, leased lines and VCs or virtual circuits, as supported by cited "service provisioning" including installation encompassing provision of requisite equipments and physical connectivity or circuiting thereof. Moreover, "Create RFS object, Fig. 4, Create service order object & Create service object, Fig. 5, page 85" indicating reference's teaching a "creating" function which function a user would use to entering or creating information relating to components available with {owned by MSP (ICP) or on-net} as per {Applicant's

Specification, Background, page 6, line 4} and components it would acquire from "other participating or contracting partners (SSPs) or off-net" {Applicant's Specification, Background, page 6, line 5} in file or list or hierarchical list format in the cited database, and entering or creating data or information in file, list or hierarchical list format is one of the basic procedures employed in the database jargon);

h) wherein said circuit management component {as discussed above} further comprises instructions for creating a cutover work plan (page 88, line 22 recited with page 80, lines 1-3 wherein, cited "pre-order allowing SP to plan services, network resource requirements etc, indicating reference's teaching "generating or creating plans", "service provisioning, page 80, line 2" indicating availability of the procedures requisite for "installing new services, conducting changes in services" by one or from one provider to another {termed as cutover} relative to above discussed voice, data, web, leased lines, VCs etc., and a user would use reference's planning function for "generating or creating plan relating to said installing new services, or changing services from one provider to another or cutover plan");

i) wherein said circuit management component {as discussed above} further comprises an automatic means of receiving requests from trading partners of the ICP (Fig. 6 {MSP-ICP and SSP}, wherein SSP are contracting {trading} partners and page 81, lines 17-18, page 86, lines 6-11, wherein cited "automation a paramount capability and major functional components including support for automation" indicating reference's teaching "automatic function or functionality", which function or functionality a user would use for claimed purpose);

j) wherein said requests from trading partners are either rejected or inserted into said hierarchal list (Page 85, Fig. A {pre-order reject and order reject} and page 86, line 3 {creation}, wherein citation "rejection" by SSP indicating "SSP or Trading partner's rejecting" request from above discussed customer or any of the SSPs or trading partners, and cited "entering" indicating reference's teaching "entering or inserting" function, which function a user would employ for "entering or inserting" into above discussed file or list or hierarchical list);

k) a design management component **(Page 87, line 13 {software} read with page 82, line 18 and page 85, lines 6-7. Citations infer a program module or component for managing design)** comprising instructions for automatically selecting a communications service model (as discussed above a program is composed of action statements or codes or instructions, and a user would use reference's "automation" function {page 81, lines 17-18 and page 86, line 11} for claimed purpose);

l) decomposing said service model into sub-model components and creating a communications design therefrom (page 88, lines 15-17 and page 82, line 18, page 85, lines 6-7, wherein cited "delegating received messages and data to various sub-processing" indicating reference's teaching a " delegating or distribution or passing down" functionality and the functionality pointing to "breaking-up or decomposing" function, since breaking or decomposing cited messages and data is requisite for delegating or distributing or passing down the same to requisite sub-processes, and a user would employ the breaking or decomposing function or functionality for breaking or decomposing cited "design" in "design specification" {indicating reference's teaching a

"design handling or management" function which function a user would use for claimed purpose. Moreover, the "design specification" encompassing whole textual and graphical descriptions presented by Chen et al); and

m) wherein said design management component {as discussed above} further comprises instructions {as discussed above} for automatically issuing service requests to ICP trading partners (page 81, line 18, page 85, lines 6-7 recited with page 81, lines 32-33, Fig. 4 {issue a pre-order request as indicated by arrow from MSP or ICP toward SSP} and page 85, Fig. A {place an order and arrow showing MSP toward SSP}, wherein cited "issuing" request and "placing" orders indicating reference's teaching "issuing" function, which function a user would use for issuing claimed "service request" to cited MCP or ICP's sub-contractors or SSPs or trading partners).

In the following element:

d) a gateway for transferring information to and receiving information from telecommunication service providers;

Chen et al teach:

transferring information to and receiving information from telecommunication service providers (Figs. 4 and 5, wherein depicted "MSP Issuing a pre-order request to SSP and SSP Responding with RFS ID to MSP, Fig. 4, first two steps" indicating reference's teaching "sending or transferring pre-order request or information to SSP" and MSP "receiving response with RFS or information" from SSP.

Chen et al do not teach:

a gateway.

However, Safadi teaches the same (Fig. 1 {20, L1 Gateway}, col. 5, lines 35-44). While Chen et al provide a combined {SP-to-SP} communication {telecommunication} service system to clients or customers, Safadi deals with network structure for providing services from VIPs {video information providers} to remotely located VIUs (video information users} or remote communication {telecommunication} service employing a gateway.

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention to incorporate Safadi's features into Chen et al's system, thereby entailing a comprehensive system for efficiently and optimally providing communications among telecommunication network service providers and also between telecommunication network service requesters and service providers.

Claims 2, 9 and 18. The system of claims 1/8/15, wherein the customer service records are retrieved using electronic data exchange with said telecommunication service providers (Chen et al: Fig A {Get customer Profile- arrow from MSP to SSP} and SSP {Customer Profile-arrow from SSP to MSP} and use of electronic data interchange {exchange} is inherent, since data are being transferred or exchanged among users' computers or the electronic devices).

Claims 3, 10 and 19. The system of claims 1/8/15, wherein the gateway conforms to order and billing forum requirements for electronic data exchange (See

discussion about gateway in Applicant's claim 1 d) above and Chen et al: page 85, line 4 {conform}, page 80, lines 3 {billing} and 10 {ordering} and discussion about electronic data exchange above).

In the following claims:

Claims 4, 11 and 20. The system of claims 1/8/15, wherein the gateway comprises instructions for validation checking of transmissions in conformance with local service ordering guidelines and access service ordering guidelines established by telecommunication service providers.

Chen et al teach:

local service ordering guidelines and access service access guidelines established by telecommunication service providers (Page 85, lines 1-2, wherein "business rules followed by service providers or SSPs" indicating SSPs providing "business rules or guidelines" at their own levels or locally for communicating with each other relative to above discussed "ordering or ordering service" and "receiving or accessing or access service");

Chen et al do not teach:

gateway comprises instructions for validation checking of transmissions.

However, Safadi teaches the same (Col. 5, lines 36 and 38, wherein a user would employ reference's authentication or validation function for verifying or checking validity or authentication or cited communications or transmissions). While Chen et al provide a combined {SP-to-SP} communication {telecommunication} service system to clients or

customers, Safadi deals with network structure for providing services from VIPs {video information providers} to remotely located VIUs {video information users} or remote communication {telecommunication} service employing a gateway.
It would have been obvious to one of ordinary skill in the relevant art at the time of instant invention to include Safadi's features into Chen et al's system, thereby entailing a comprehensive system for efficiently and optimally providing communications among telecommunication network service providers and also between telecommunication network service requesters and service providers and enabling verification.

Claims 6, 13 and 22. The system of claims 1/8/15, wherein the processor comprises a hosting processor means and a network connectivity means, said network connectivity means further comprising connectivity to a network selected from the group of networks including a local area network, the Internet, an intranet, a wireless network, a wireless local loop network, or a network comprised of combinations of local area networks, the Internet, intranets, wireless networks, and wireless local loop networks (Chen et al: Fig. 6 {server}, page 86, line 11, Fig. 7 {SP Server objects}, page 87, line 18 and 28-29, Figs. 4, 5, A, 6-8 depicting network connectivity which would encompass the claimed forms of networks).

Claims 7, 14 and 23. The system of claims 6/13/22, wherein the graphical user interface is displayed using hypertext markup language (Chen et al: Fig. 7 {GUI} and page 80, line 19 and page 86, line 8).

Claim 8. A system for managing sales proposals (Chen et al: page 87, lines 1-2) of an integrated communications provider (ICP) (See the discussion of Applicant's claim 1 preamble above), said system comprising:

a) a computer processor means for inputting and processing information necessary to the management of an ICP (See the discussion of Applicant's claim 1a) above);

b) a gateway for transferring information to and receiving information from telecommunication service providers (See the discussion of Applicant's claim 1d) above);

c) a pre-order management component comprising instructions for retrieving customer service records from telecommunication service providers and parsing said customer service records into reports containing equivalent ICP services (See the discussion of Applicant's claim 1c) above);

d) a design management component comprising instructions for selecting a communications service model (See the discussion of Applicant's claim 1i) above);

e) decomposing said service model into sub-model components and creating a communication services sales proposal therefrom (See the discussion of Applicant's claim 1j) above and Chen et al: page 87, lines 1-2);

f) wherein subsequent versions of said sales proposal are automatically created (Chen et al: page 80, line 8, page 81, lines 7-9 read with page 81, lines 7-18 and page 87, lines 1-2. Reference's "modeling", "automating" would be used to develop (create) cited proposals (sales proposals) subsequent to a request from a human operator for

alternate communication service models (Chen et al: page 81, lines 12-13. Applicant will appreciate that reference's "negotiation" infer back and forth discussion {requests and responses} between the parties involved including an operator {human operator} and said proposal would be developed {created} after one party {customer, MSP etc.} requests so to said operator);

g) wherein said design management component further comprises instructions for automatically issuing service requests to ICP trading partners (See the discussion of Applicant's claim 1k) above);

h) wherein such requests to ICP trading partners comprise requests for local service request, assignment of telephone number request, assignment of Internet protocol address, and requests for data broadband services (Chen et al: page 81, lines 31-33 and page 87, line 9. Applicant will appreciate that "voice" infers telephone number request from local service provider, web infers request for IP address and data encompasses broadband service).

i) wherein said design management component further comprises instructions for creating cutover reports subsequent to acceptance of a sales proposal by a customer (See the discussion of Applicant's claim 1g) relative to design component, 1f) relative to cutover and 1c) relative to report above. Moreover, a user would employ reference's billing function for generating or creating text report including the claimed one);

j) a service management component **(Fig. 3 {RFS, Service offer, Service order, Service}, page 83, lines 1-23 and page 86, lines 8-10. The citations clearly infer the presence or availability of some program module or component for handling**

services {service management component} and a program or computer program is basically composed of action statements or codes or instructions) for creating and tracking work plans **(Page 86, line 3, page 87, line 3 and page 81, line 14, wherein cited triggering creation of objects, shown workflow illustratig monitoring service provisioning stages and pre-order request function allowing SP to plan for services, network resource requirements and issuing proposals indicating reference's teaching of creating, monitoring, and planning functions which functions a user would use for "generating or creating", "monitoring or tracking" SP "plans for services etc. or work plans")**;

k) wherein said work plans {as discussed above} comprise a work activity event for performing installation or troubleshooting **(Page 80, lines 1-3 and page 87, line 9-10 wherein cited "service management" and "fault management" indicating reference's teaching of service provisioning including installation of services, fault or trouble detecting or shooting functionality and "Voice, data, web etc." indicating "services provided or performed by SP to customer or work activity event", and "leased lines, VCs" indicating "services or work activity events provided or performed by one SP to another SP for the customer")** of each sub-model component of a telecommunications service provided by the ICP to a customer **(Fig. 2, page 82, lines 7-14. Here, B, C and D and E indicating claimed sub-model components of services provided by A {ICP} to Customer)**; and

l) a circuit management component comprising instructions for creating a hierarchal list of ICP on-net and off-net circuit assignments (See the discussion of Applicant's claim 1e) above).

Claim 15. A system for managing sales proposals of an integrated communications provider (ICP), comprising:

a) a computer processor means for inputting and processing information necessary to the management of an ICP (See the discussion of Applicant's claim 8a) above);

b) a gateway for transferring information to and receiving information from telecommunication service providers (See the discussion of Applicant's claim 8b) above);

c) a pre-order management component comprising instructions for retrieving customer service records from telecommunication service providers and parsing said customer service records into reports containing equivalent ICP services (See the discussion of Applicant's claim 8c) above);

d) a design management component comprising instructions for selecting a communications service model (See the discussion of Applicant's claim 8d) above);

e) decomposing said service model into sub-model components and creating a communication services sales proposal therefrom (See the discussion of Applicant's claim 8e) above);

f) wherein subsequent versions of said sales proposal are automatically created subsequent to a request from a human operator for alternate communication service models (See the discussion of Applicant's claim 8f) above).

Claim 16. The system of claim 15 wherein the design management component further comprises instructions for compiling sales proposals from multiple customer locations into a single consolidated sales proposal (Chen et al: page 82, line 18 recited with page 87, lines 1-2, wherein, as discussed above, reference's "billing, page 83, line 17" indicating reference's teaching a "bill or bill statement" generating function, the bill is a statement or report, and a user would combine {consolidate} various reports relating to users or customers at various places or locations into a single one. Moreover, it will be appreciated that bill is a combined statement or report of various transactions and other data relative to users' transacting at different local and remote places or locations).

Claim 17. The system of claim 15 wherein the created sales proposals comprise a comparison between existing communication services and ICP provided services (Chen et al: page 87, lines 1-2 read with page 81, lines 12-13 and a user would employ reference's "comparing" function for claimed limitation).

Allowable Subject Matter

6. Claims 5, 12 and 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6a. The following is a statement of reasons for the indication of allowable subject matter:

The prior art Chen et al and Safadi (US Patent 5,847,751) individually or in combination do not teach or suggest:

"a design management module {component} comprising an optimizing algorithm and the algorithm determining the origin of supply of the sub-model components".

Response to Arguments

7. Applicant's arguments filed March 19, 2004 have been fully considered and are responded below.

Applicant argues that:

a) Prima facie case of obviousness has not been established.

In response to this, Applicant is referred to Chen et al's page 81, lines 7-9 recited with line 28 through page 82, line 17, wherein Applicant will appreciably realize that Chen et al describe a plan or framework for ordering telecommunication services requested by a customer from a telecommunications service provider, called Main Service Provider {MSP}, MSP provides some of the requested services, for remainder {which he does not

have} of the requested services he contacts other service providers, termed as sub-contact services providers {SSPs}, and that these and other terminologies are used variously. In the process a service provider, such as MSP, plays the role of service requestor to other service provider(s) as depicted in Fig. 2, described page 82, lines 7-14.

Moreover, Chen et al's framework or plan is a computer implementation as indicated by the terms client, server, database, GUI, network etc., Fig. 7: Unix/PC Client, SP Client, SP Server objects, Database etc..

Furthermore, use of above devices or means clearly indicating employment of requisite software, applications, processes, routines, subroutines, modules etc. for controlling and execution {managing} of various steps or functions performed relative to the implementation of Chen et al's framework or plan and constituent elements or components thereof by its users, such as customers, MSP, SSPs.

Finally, Applicant being highly knowledgeable in computer arts, would appreciate that Chen et al's use of terms or terminology relative to some step(s) of a processes, such as pre-ordering or pre-ordering phase providing operations for MSP making pre-order requests {page 82, lines 19-20}, indicating availability and execution of software, application or module or component for controlling or management of pre-ordering step(s) or process(es). Applicant would also appreciate that the software, applications, modules etc., are composed of action statements or codes or instructions.

In the light of above discussion, it is stated that Chen et al's plan or framework for ordering telecommunication services teaches or at least reasonably suggests the

claimed software, applications, modules or components for controlling or management of Applicant's steps or elements a)-c) and e)-m) of claim 1.

Chen et al do not explicitly teach:

Gateway {in element 1d}.

It is where Safadi reference was introduced which teaches the same (Col. 5, lines 34-44), and a more elaborate and reasonably suitable motivation has been provided.

b) The teaching or suggestion to combine the prior arts and reasonable success must be found in the prior arts and not based on Applicant's disclosure.

In this regard, Applicant ought to have appreciably realized that the motivation for combining Chen et al and Safadi came from Safadi, col. 1, lines 45-50, not from Applicant's specification as misconstrued by him.

Moreover, in computer and telecommunications arts, gateways are commonly employed since so long before that a user at the time of Applicant's invention would consider its use as inherent or at one of ordinary skill in the arts would have been motivated to advantageously employ the already in vogue gateway including Safadi's in combination with Chen et al's SP-to-SP telecommunication services ordering plan or framework to reasonably accomplish Applicant's invention successfully.

c) Safadi is not an analogous art.

In this regard Applicant is reminded the following Case Law:

In response to applicant's argument that Safadi is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was

concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, as discussed above, Chen et al taught every element of, for instance Applicant's claim 1, it did not teach "gateway", a means for providing communication between Chen et al's network plan or framework users, such as Customers, MSP, SSPs (Chen et al Fig. 2), and Safadi was applied with respect to "gateway" which the reference teaches, col. 5, lines 34-44: "The gateway L1G 20 providing overall management of network 10 in support of service delivery from VIP to VIUs and the gateway performing other functions including authentication, collection of billing information relating to network support or usage of VIP/L1G provided services etc.". Thus, Safadi was reasonably pertinent to the particular problem with which Applicant was concerned {provision of a gateway}, hence applying Safadi for rejection is valid.

d) Safadi is not reasonably pertinent to automating the selection of on-net and of-net communication services.

Relative to it, Applicant is inverted to the above discussion, wherein Safadi was applied in respect of its teaching "gateway" not what is recited above {automation, on-net, off-net" etc.}.

e) Chen et al present "overview analysis for service ordering process" and does not provide enabling description.

In response to this, Applicant's attention is drawn:

Firstly to the following Case Law:

Although statements limiting the function or capability of a prior art device require fair consideration, simplicity of the prior art {basic process provision or presentation} is rarely a characteristic that weighs against obviousness of more complicated device with added function. In re Dance, 160 F.3d 1339, 1344, 48 USPQ2d 1635, 1638 (Fed. Cir. 1998), MPEP 2143.01.

Secondly to his recitation: "some of the Chen et al's functions, such as performance management, fault management, billing and service provisioning, are performed by the embodiments of his invention". From the recitation, assuming that Applicant did not even have a chance to find/see Chen et al's paper, it is evident he could implement some of Chen et al's functions without Chen et al's description, how come one of ordinary skill in the arts of computers and communications would not be able to implement the framework with so elaborate textual and figurative description.

Thirdly to Chen et al's recitation: "The prototype, a physical and practical structure exposing the appearance and functionalities of system, applications, connections, roles of players and the like of the system, is built using JAVA, page 80, line 19, page 88, line 19 through page 89, line 2 and "JAVA based demonstration is constructed which not only demonstrates the ordering specification and object model, but also demonstrates the complete service ordering process, page 89, lines 14-20". From the citations, it is evident that Chen et al practically {and successfully, since there is statement about failure of the implementation} implemented their framework or system, thus, providing the proof that Chen et al's description would be at least

reasonably sufficient toward its "enablement" by one of ordinary skill in the computers and communications arts.

And finally, it would appropriate to say that in general Applicant's arguments fail to appreciably consider the full teachings of the references in light of the knowledge available to those in the appropriate arts and the level of ordinary skill in the arts. Furthermore, Applicant's arguments have taken an overly narrow view his claim language.

f) Chen et al do not teach: "pre-order management component".

In this regard, Applicant is referred to Chen et al's page 82, lines 19-22 and page 83, lines 10-11 read with lines 18-20, wherein cited "pre-ordering phase providing operations for an MSP", "making pre-order requests for services", "SP class supporting making pre-order requests" and "issuing pre-order requests" indicating reference's teaching availability of a program module or component for "handling pre-ordering or pre-order management".

g) Chen et al do not teach: "The sales activities of the pre-order management being customer-facing"

Regarding this, Applicant will appreciably realize that the feature is not claimed, and so, he is reminded of the following Case Law:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification {and for that matter from the Remarks}

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

h) Chen et al do not teach: "Circuit management component comprising instructions for creating hierarchical list of ICP on-net and off-net circuit assignments, creating customer work plan, receiving requests from trading partners, trading partners rejecting or inserting in the hierarchical list".

In this regard, Applicant is directed to Chen et al's page 80, lines 1-6, wherein cited service order process functioning as hub or integration point for other TMN functions and business processes, such as performance management, fault management and billing & service provisioning of telecommunication management network or TMN service management. As discussed above Chen et al's framework or system is computer implemented, cited "service provisioning" indicating providing services employing requisite software or program module or component allowing telco services control and execute their various services via their computers located at local or remote places. Moreover, cited "service management" relating to telco services indicating providing circuits, such as relating to above discussed voice, data, web, leased lines, VCs etc., and controlling or management thereof. As discussed above, use of computers by the reference indicating implementing said circuit providing and controlling or management thereof through requisite software or program module or component.

Moreover, said voice, data etc. services requiring supplying required equipments and their physical connections or circuits by the service providers, and the service

providers employ computers, which require software, program module component for controlling or management of said equipments and their physical connections or circuits.

Chen et al, as discussed above, implicitly teach installation of services employing functions or software or program module, which functions or software or program module a user would use for "changes in physical connection or circuit or installing brand new connections or circuit or cutover" (See page 193, Newton's Telecom Dictionary).

Cited pre-order reject, order reject, page 85, Fig. A and triggering "creation" indicating Chen et al's teaching "rejecting" and "creating" functions, which functions a user would use for claimed purposes.

Regarding requests from trading partners, Applicant is referred to Fig. 2 and page 82, lines 7-14, wherein SPA playing the role of service provider's role for its customer, and playing a customer role for service providers SPB, SPC etc., page 82, lines 10-12. Said SPB, SPC etc. are business or trading partners of SPA who is requesting some services from SPB, SPC etc. business or trading partners.

Relative to automated functioning of above discussed circuit management program module or component, Applicant is referred to: when large numbers of users using Chen et al's system or framework automation and real time capabilities are paramount, page 81, lines 16-18, and ordering process demonstration using JAVA comprising server workflow for the process control and automation, page 86, lines 6-11, indicating

reference's teaching "automated or automation" functioning, which function a user would employ for claimed purposes.

Chen et al teach claimed on-net and off-net features as indicated by: network services ordered by a customer are owned and provided by more than one service providers, page 81, lines 30-31, wherein services owned by a service provider is termed as on-net and the services provided by other sub-contract service providers is called off-net (Applicant's specification, Background, page 6, line 4).

i) Chen et al do not teach: "Design management comprising instructions for automatically selecting a communications service model, decomposing the model and issuing service requests to ICP trading partners".

In this respect, Applicant is directed to Chen et al's Page 87, line 13 {software} read with page 82, line 18 and page 85, lines 6-7, wherein citations inferring a program module or component for controlling or managing design and as discussed above a program is composed of action statements or codes or instructions, and a user would use reference's "automation" function, page 81, lines 17-18 and page 86, line 11, for claimed purpose. Moreover, page 88, lines 15-17 and page 82, line 18, page 85, lines 6-7, wherein cited "delegating received messages and data to various sub-processing" indicating reference's teaching a " delegating or distribution or passing down" functionality and the functionality pointing to "breaking-up or decomposing" function, since breaking or decomposing cited messages and data is requisite for delegating or distributing or passing down the same to requisite sub-processes, and a user would

employ the breaking or decomposing function or functionality for breaking or decomposing cited "design" in "design specification" {indicating reference's teaching a "design handling or management" function which function a user would use for claimed purpose. Moreover, the "design specification" encompassing whole textual and graphical descriptions presented by Chen et al. And Finally, page 81, line 18, page 85, lines 6-7 recited with page 81, lines 32-33, Fig. 4 {issue a pre-order request as indicated by arrow from MSP or ICP toward SSP} and page 85, Fig. A {place an order and arrow showing MSP toward SSP}, wherein cited "issuing" request and "placing" orders indicating reference's teaching "issuing" function, which function a user would use for issuing claimed "service request" to cited MCP or ICP's sub-contractors or SSPs or trading partners.

j) Chen et al do not teach parsing.

Relative to this, Applicant is referred to Chen et al's page 88, lines 15-17, wherein cited SPC receiving messages and data from the client, SPC delegating or distributing or assigning received messages and data to the various internal sub-processes pointing to Chen et al system's provisioning of a function for "decomposing or breaking down or parsing" said messages and data and then distributing or delegating or assigning them to respective sub-process(es).

k) Chen does not teach service management component.

Respecting this, Applicant is referred to Chen et al's page 83, lines 1-23, wherein the reference teaches SP-to-SP ordering object model and various object classes representing functions or activities said models are comprised of and used for, such as

SP class, lines 9-11, representing organizations functioning as telco service providers {a function or an activity}; Customer class representing a customer organization requesting services from said SPs {another function or activity}; Service class representing a subscribed service provided by Sub-Contracting service providers or SSP to main service providers or MSPs {one more function or activity}, and so on. Page 86, lines 8-10 teach some more functions or activities, like service negotiation agreement or SLA etc., said functions or activities indicating works or work plans each entity would perform.

l) Inferences drawn by the Examiner from Chen are based on hindsight. Relating to this, Applicant is reminded of the following Case Law:
In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

m) Similar reasoning applies for arguments in respect of remaining elements of other claims, since they recite variations of limitations as discussed above.

In the light of above discussion, it is respectfully stated that Applicant's arguments have been fully considered, deemed unpersuasive and prior rejection is maintained.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Irshadullah whose telephone number is 703-308-6683. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Irshadullah
January 12, 2005

Susanna Diaz
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